

### **REMARKS**

Upon entry of the foregoing amendment, claims 7-8, 12-13, 17-24 and 26-34 are pending in the application with claims 7, 20 and 26 being independent claims. Claims 9-11, 14-16, and 25 have been canceled without prejudice to the subject matter therein. Claims 1-6 were previously canceled. Claims 27-34 are new. No new subject matter has been introduced by these amendments. Applicants respectfully request that the Examiner enter the foregoing amendments and withdraw all outstanding rejections in view of the following remarks

#### ***Independent Claim 7 Amended to Overcome Claim Objection***

Independent claim 7 was objected to by the Examiner for an informality. The word “true” in independent claim 7 has been changed to “time” to overcome this objection. Applicants respectfully request that the Examiner withdraw the objection based on this change.

#### ***Challenge of Official Notice of Non-duplicate Points***

Applicants challenge the assertion that the method of using the points of the first path and the non-duplicate points of the second path in order to produce a final track is well known in the art.

#### ***Challenge of Official Notice of Sorting Paths***

Applicants challenge the assertion that the method of using a sorted result path list in order of start times and a sorted base path list in order of end times is well known in the art.

#### ***The Claims are Allowable Over the Kennedy Patent and Combinations Thereof***

Claims 7, 8, 17-22 and 24-25 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,491,645 to Kennedy et al. (“the Kennedy patent”). Furthermore the Kennedy patent is used as a primary reference in the rejection of the remaining claims, claims 9-16, 23 and 26, under 35 U.S.C. § 103(a). Claims 9 and 23 stand rejected under 35

U.S.C. § 103(a) as being unpatentable over the Kennedy patent while claims 10, 12 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kennedy patent as applied to claim 7, and further in view of U.S. Patent No. 5,959,529 to Kail et al. (“the Kail patent”) and a paper by Cai et al. entitled “Automatic Tracking of Human Motion in Indoor Scenes Across Multiple Synchronized Video Streams” (“the Cai reference”). Claims 11, 15 and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kennedy patent, the Kail patent, and the Cai reference as applied to claim 10, and further in view of U.S. Patent No. 6,359,647 to Sengupta et al. (“the Sengupta patent”). Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kennedy patent, the Kail patent, and the Cai reference as applied to claim 12, and further in view of U.S. Patent No. 6,816,186 to Luke et al. (“the Luke patent”). Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Kennedy patent, the Kail patent, and the Cai reference as applied to claim 12, and further in view of U.S. Patent No. 5,570,096 to Knight et al. (“the Knight patent”).

The Applicants respectfully submit that amended independent claim 7 is patentable over the Kennedy patent. Independent claim 7 recites a processor-readable medium comprising code representing instructions to cause a processor to determine, at least partially based on the analysis of information used to define a first path and the analysis of the information used to define a second path, if a person associated with the first path and a person associated with the second path are the same person. In contrast, the Kennedy patent discloses the use of a plurality of satellite observation stations in stable geocentric orbit to track targets above the surface of the earth. The Kennedy patent is silent with regard to tracking and analyzing paths related to one or more persons. Accordingly, the Applicants respectfully submit that independent claim 7 and those claims that depend therefrom are allowable.

The Applicants respectfully submit that amended independent claim 20 is patentable over the Kennedy patent and request that the rejection under 35 U.S.C. § 102(b) be withdrawn. Independent claim 20 has been amended to recite a processor-readable medium comprising code representing instructions to cause a processor to resolve a conflict associated with a link based on a predetermined conflict-resolution rule. The Kennedy patent does not disclose or suggest, and in fact teaches away from, resolving a conflict associated with a link after the link has been

formed between paths. The Kennedy patent states that “once a resulting track is correlated with a base track it is never correlated with another base track.” (Col. 6, lines 6-7) Because a link between paths is permanent in the Kennedy patent, it is respectfully submitted that the need for conflict resolution associated with a link is moot. In fact, the Kennedy patent further disclaims the possibility of conflict resolution associated with a link by rejecting the notion of breaking a link and/or removing a path from a set of linked paths by explaining that once a resulting track is correlated with a base track “[i]t is taken out of the pool of resulting tracks. Further, it will never be discarded; that is, it becomes a permanent part of the base track with which it is correlated.” (Col. 6, lines 7-10) Accordingly, the Applicants respectfully submit that independent claim 20 and those claims that depend therefrom are allowable.

The Applicants respectfully submit that amended independent claim 26 is patentable over the Kennedy patent as applied to claim 7, and further in view of the Kail patent and the Cai reference. Specifically, independent claim 26 recites a processor being configured to prevent merging of a path of an object within a first physical area and a path of the object within a second physical area into a combined path of the object if the processor determines that the combined path will intersect an exclusion region. Both the Kennedy patent and the Kail patent are silent with regard to an exclusion region. It is respectfully submitted that the Kennedy patent is related to the use of a plurality of satellite observation stations in stable geocentric orbit to track targets above the surface of the earth that are unlikely to encounter, for example, obstructions that may be defined by an exclusion region. It is also respectfully submitted that the Kail patent is related to remote sensors and does not disclose or suggest path linking with respect to exclusion regions.

The Cai reference also does not disclose or suggest the use of an exclusion region as recited in claim 26. The Cai reference is essentially directed to building a “continuous” video image of a given person as they traverse multiple camera views. While there is data processing to make decisions as to linking video frames, the Cai reference does not disclose construction of paths defined, at least in part, by a plurality of spatial/time values. Furthermore, the Cai reference does not disclose or suggest preventing merging paths into a combined path when the combined path may intersect an exclusion region. Therefore, it is respectfully submitted that

independent claim 26, and all of the claims ultimately depending from claim 26 are patentable over the Kennedy patent taken alone or in combination with the Kail patent and/or the Cai reference.

### CONCLUSION

All of the stated grounds of rejection have been rendered moot. The Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that such objections and rejections be withdrawn. The Applicants believe that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.


The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

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